

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

02-~~A~~-1712

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF WILLIAM
SHELNUT IN THE AMOUNT OF \$98,000.00
AGAINST THE CITY OF ATLANTA**

WHEREAS, WILLIAM SHELNUT, has filed a claim against the City of Atlanta seeking bodily injuries and property damages; and

WHEREAS, the bodily injuries and property damages to WILLIAM SHELNUT, occurred when his vehicle fell into a sinkhole in the street that was caused by a ruptured sewer mainline; and

WHEREAS, the City of Atlanta was on notice of said nuisance and made an attempt, however unsuccessful, to abate said nuisance; and

WHEREAS, the claimant has asserted damages in the amount of \$175,000.00 and has agreed to accept \$98,000.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of WILLIAM SHELNUT, be settled for the sum of \$98,000.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$98,000.00 be paid by the City of Atlanta to WILLIAM SHELNUT, in satisfaction of any and all claims he may have stemming from bodily injuries and property damages sustained on or about May 8, 2002 at 90 14th Street, NE and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 07, 2002
OCT 09, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0344

Date: September 20, 2002

Claimant /Victim WILLIAM SHELNU
BY: (Atty) (Ins. Co.) _____
Address: 2237 Blanton Mill Road, Williamson, Georgia 30292
Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 175,000.00
Date of Notice: 5/13/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/8/02 Place: 90 14th Street, NE
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained extensive bodily injuries and property damages, including the loss of his business, when his vehicle fell into a sinkhole. An investigation determine that the sinkhole was caused by a rupture in the sewer mainline. The City was on notice of said mainline problem but failed to permanently correct it.

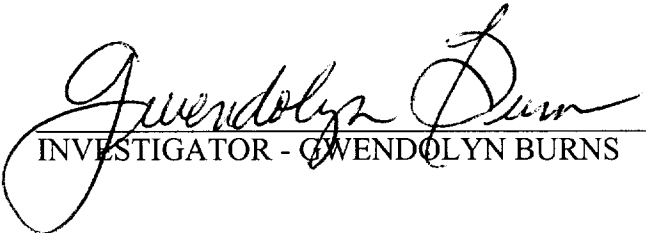
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

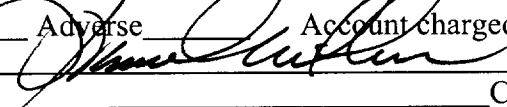
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 98,000.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2P01 _____ 2H01 _____
Claims Manager:  Concur/date 09/20/02
Committee Action: _____ Council Action _____

RCS# 4099
10/07/02
5:15 PM

Atlanta City Council

Regular Session

CONSENT I 0613;1695;1544;1562;1581;1666;1551
 1668; Except CDHR #6-#10
 RECON/READOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	NV Maddox	NV Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

10/07/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1538
2. 02-O-1549
3. 02-O-1554
4. 02-O-1466
5. 02-O-1253
6. 02-O-1575
7. 02-O-1576
8. 02-O-1582
9. 02-O-1447
10. 02-O-1545
11. 02-O-1261
12. 02-O-1534
13. 02-R-1662
14. 02-R-1669
15. 02-R-1709
16. 02-R-1711
17. 02-R-1712
18. 02-R-1713
19. 02-R-1633
20. 02-R-1664
21. 02-R-1667
22. 02-R-1673
23. 02-R-1469
24. 02-R-1642
25. 02-R-1644
26. 02-R-1649
27. 02-R-1714
28. 02-R-1727
29. 02-R-1650
30. 02-R-1651
31. 02-R-1652
32. 02-R-1653
33. 02-R-1654
34. 02-R-1655
35. 02-R-1656
36. 02-R-1657
37. 02-R-1658
38. 02-R-1659
39. 02-R-1660
40. 02-R-1718
41. 02-R-1719
42. 02-R-1698
43. 02-R-1699
44. 02-R-1700
45. 02-R-1701

46. 02-R-1702
47. 02-R-1703
48. 02-R-1704
49. 02-R-1705
50. 02-R-1706
51. 02-R-1707
52. 02-R-1708

**ITEMS ADVERSE
ON CONSENT AGENDA**

53. 02-R-1675
54. 02-R-1676
55. 02-R-1677
56. 02-R-1678
57. 02-R-1679
58. 02-R-1680
59. 02-R-1681
60. 02-R-1682
61. 02-R-1683
62. 02-R-1684
63. 02-R-1685
64. 02-R-1686
65. 02-R-1687
66. 02-R-1688
67. 02-R-1689
68. 02-R-1690
69. 02-R-1691
70. 02-R-1692
71. 02-R-1693
72. 02-R-1694
73. 02-R-1696
74. 02-R-1697

Consent I Vote: 10Yeas; 0 Nays (See RCS #4099; Reconsidered See RCS #4043)

Items Removed from Consent: 02-R-1613; 02-R-1695; 02-O-1544; 02-O-1562; 02-O-1581; 02-R-1666;
02-O-1551; 02-R-1668; 02-O-1598; 02-O-1599; 02-O-1600; 02-O-1601; 02-O-1602

02- R-1712

(Do Not Write Above This Line)

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BY PUBLIC SAFETY & LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING
THE SETTLEMENT OF THE
CLAIM OF WILLIAM SHELNU
IN THE AMOUNT OF \$98,000.00
AGAINST THE CITY OF
ATLANTA

By: *Rosalind Rubens Newell*

Rosalind Rubens Newell

Deputy City Attorney

ADOPTED BY

OCT 07 2002

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER **COUNCIL**
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee <i>Public Safety</i>	Committee
Date <i>10/1/02</i>	Date
Chair <i>[Signature]</i>	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members <i>William Shelnu</i> <i>William Shelnu</i> <i>Heidi Smith</i>	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

ADOPTED BY

OCT 07 2002

COUNCIL

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
OCT 07 2002
[Signature]
MAYOR

CERTIFIED
OCT 07 2002
[Signature]
MAYOR

MAYOR'S ACTION

[Signature]
OCT 09 2002

MAYOR